

REMARKS

Upon entry of the forgoing amendments, claims 1-4 and 27-35 are pending in this application with claims 1, 27, 30, and 33 being independent claims. No claim is allowed.

Claim 1 has been amended to further particularly point out and distinctly claim subject matter regarded as the invention. Support for these changes may be found in the specification in FIGS. 1-3 and on page 7, line 6 through page 14, line 2, among others.

Claims 5-26 have been newly canceled, without prejudice.

New claims 27-35 also particularly point out and distinctly claim subject matter regarded as the invention.

The 35 U.S.C. § 103 Rejection

Claims 1, 5, 9, and 23 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Orita* (US 5,163,147). Claims 10-21 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Scott et al.* (US 5,987,123) in view of *Orita* and *Mandalia* (US 6,324,584). Claims 2, 6, 22, and 24 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Orita* in view of *Subramaniam et al.* (US 5,519,507). Claims 3, 4, 7, 8, 25, and 26 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Orita* and *Subramaniam* in view of *Testin et al.* (US 4,776,038). These rejections are respectfully traversed.

Specifically with respect to claims 5-26, with this paper these claims have been canceled thus rendering the corresponding rejections moot.

Specifically with respect to claim 1, the Office Action states that *Orita* discloses "said fixed file security status being of a first type (see col. 3, lines 25-30: 'NO')", "said active file security status initially copied from said fixed file security status...and changeable to a second

type (col. 3, lines 25-30: 'YES')", and "causing said active file security status to change to said second type if said authorization credential indicates that the client has the privilege to access the file (see FIG. 3, step S13 to step S15, and col. 4, line 60 to col. 5, line 1)." However, these, among others, are in error. The rejection confuses the variables upon which a conclusion is reached with the logical conclusion itself. The variables and the logical conclusions are not necessarily the same.

The first two citations above are with respect to step S3 of FIG. 2 of *Orita*. These are disclosed to be with respect to a user login procedure and "OP information". The OP information is used to reach the logical conclusion of decision step S3, that is, either YES there is coincidence between the data that the user supplied and the OP information on file or NO there is not coincidence. The result of a NO conclusion in step S3 is steps S4 and S5 in which *Orita* "inhibit[s] the user from using the system." (Col. 3, lines 31-32)

The third citation above is with respect to step S13 of FIG. 3 as noted. This is disclosed to be with respect to file accessing permission and "EP information". The EP information is used to reach the logical conclusion of decision step S13, that is, either YES the user program has permission to the requested access type based on the stored EP information or NO it does not. The result of a NO conclusion in step S13 is step S14 in which "the file access requested is inhibited" by *Orita*. (Col. 5, line 1)

The above variables and logical conclusions are separate and distinct in the disclosure of *Orita*. Further, the entity requesting each of the two decisions is different with the former being the user and the latter being the user program. How exactly the rejection proposes to comprehend or combine these disparate elements of *Orita* to obviate the claim is not fully understood. Two particular areas of confusion will be highlighted below. Unless and until these areas can be eliminated, the rejections should be withdrawn as unsupported.

With respect to the prior art in general, it is not appropriate for the Office Action to assume one or the other logical conclusion prior to the making of a determination. There is no result until the decision has been made. The logical conclusion is neither YES nor NO unless explicitly stated by the reference that such a conclusion is known in advance. The fact that the pre-decision value of a variable would result in a negative conclusion based on that variable does not mean that the determination has been made in the negative and vice versa. Further, it is overly simplistic to gloss over specific details through the adoption of a position that all security systems either allow or deny access. This ignores variables such as access by whom, access to what, and access when or under what conditions. According to M.P.E.P. § 2141.02, "[I]n determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences *themselves* would have been obvious, but whether the claimed invention *as a whole* would have been obvious." Merely identifying the various claim elements in the prior art is not sufficient. One of ordinary skill in the art starts with the prior art and works towards the claimed invention and not vice versa.

The first area of confusion revolves around the claim element of "copy(ing) the fixed file security status from the first memory to the second memory as the active file security status". It is uncertain from the Office Action whether the rejection proposes to copy the OP information into the EP information, that is, the variables, or to copy the logical conclusion of decision step S3 for decision step S13 of *Orita*. Neither is disclosed by *Orita* nor makes any sense within the context of *Orita*. For instance, the logical conclusions are never even recorded by *Orita*. So it is impossible to copy them. Further, it is impossible to copy a logical conclusion before the decision has been made. Consequently, the claimed invention is not disclosed by *Orita* nor is it a logical extension of *Orita*.

The second area of confusion revolves around the claim element of "change/changing the active file security status from the first type to the second type." It is uncertain from the Office Action whether the rejection proposes to change the OP/EP information, that is, the variables, or to change the logical conclusion of YES/NO. There is no disclosure that *Orita* changes the OP/EP information in either location where it resides (12 or 14 of FIG. 1). As for the logical conclusion, it is important to note that just because there are two possible outcomes to a decision, this does not necessarily mean that the outcome is changed from one outcome to the other. According to *Orita* in either step S3 or S13 when the logical conclusion is NO, then the routine either logs off or terminates. There is no recourse. Once a negative determination is made, it is final in *Orita*. By contrast in the claims, even after it has first been determined that the active file security status is of the first type, it can be changed to the second type and thus any subsequent determination is different from the initial determination. As claimed, the variable upon which the determination is made is changed thus resulting in a different logical conclusion to the second determination. This is not as disclosed by *Orita* nor is it a logical extension of *Orita*.

In view of the above, it is respectfully asserted that the claims are now in condition for allowance.

Request for Allowance

In view of the foregoing, reconsideration and an early allowance of this application are earnestly solicited.

If any matters remain which could be resolved in a telephone interview between the Examiner and the undersigned, the Examiner is invited to call the undersigned to expedite resolution of any such matters. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,
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Dated: November 2, 2004

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